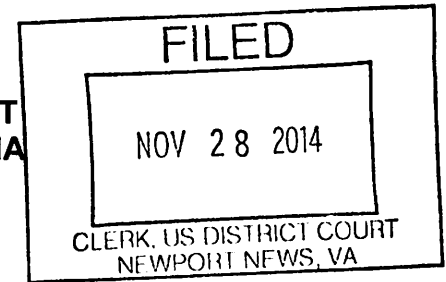


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Newport News Division)



LARRY D. REESE,

Plaintiff,

v.

J.C. PENNEY COMPANY, INC. *et al.*,

Defendants.

Civil Action No.: 4:14CV156

NOTICE OF REMOVAL

Defendant J.C. PENNEY COMPANY, INC. ("J.C. Penney"), by and through counsel, hereby gives notice of removal of the above action from the Circuit Court of the City of Hampton, Virginia ("Circuit Court"), to the United States District Court for the Eastern District of Virginia, Newport News Division, pursuant to 28 U.S.C. §§ 1332(a), 1441 and 1446. As set forth below, this Court has original diversity jurisdiction over this action pursuant to Section 28 U.S.C. § 1332. All requirements for removal of this action are met through the allegations contained in the pleadings filed in the Circuit Court and in this Notice of Removal.

In support of this Notice of Removal, J.C. Penney states as follows:

1. There is pending in the Circuit Court of the City of Hampton, Virginia, a Complaint styled Larry D. Reese v. J.C. Penney Company, Inc. et al., Case No. CL14-2009 (the "State Court Action"). The Complaint in the State Court Action was filed on or about October 8, 2014. A copy of the Complaint is attached hereto as **Exhibit A**.
2. Defendant Winter Construction Company consents to removal.

3. J.C. Penney received a copy of the Complaint in the State Court Action on November 5, 2014.

4. J.C. Penney filed an Answer on November 24, 2014, in the Hampton City Circuit Court, and upon information and belief Winter Construction Company filed an Answer on November 25, 2014, but no further proceedings have been had in the State Court Action. A copy of J.C. Penney's responsive pleading is attached hereto as **Exhibit B**.

5. This Notice of Removal is filed within thirty days of the date upon which J.C. Penney first received a copy of the Complaint and is therefore timely pursuant to 28 U.S.C. § 1446(b).

6. The State Court Action is properly removed under 28 U.S.C. § 1441(a), because the State Court Action is subject to the original jurisdiction of this Court pursuant to 28 U.S.C. § 1332, as explained below.

7. Plaintiff, Larry D. Reese, is a citizen of the State of Virginia and resides in Yorktown, Virginia. See ¶1 of Exhibit A.

8. Defendant J.C. Penney is incorporated under the laws of the State of Delaware with its principal place of business in Plano, Texas.

9. Defendant Winter Construction Company is incorporated under the laws of the State of Delaware with its principal place of business in Atlanta, Georgia.

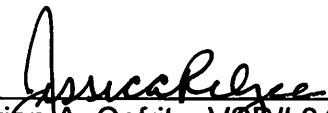
10. Plaintiff's Complaint seeks damages from J.C. Penney in the amount of \$100,000 in compensatory damages. See Exhibit A.

11. This action is properly removed on grounds of diversity jurisdiction because (a) complete diversity of citizenship exists between Plaintiff and Defendants

J.C. Penney and Winter Construction Company, and (b) the amount in controversy herein exceeds the sum or value of \$75,000, exclusive of interest and costs.

12. Written notice of the filing of this Notice of Removal will promptly be given to Plaintiff and the Clerk of the Circuit Court of the City of Hampton, Virginia, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant J.C. PENNEY COMPANY, INC., by counsel, respectfully requests that this case proceed before this Court as an action properly removed.


Brian A. Cafritz, VSB# 34366
Jessica G. Relyea, VSB# 76775
Counsel for J.C. Penney Company, Inc.
KALBAUGH, PFUND & MESSERSMITH, P.C.
901 Moorefield Park Drive, Suite 200
Richmond, VA 23236
(804) 320-6300
(804) 320-6312 (fax)
Brian.Cafritz@kpmlaw.com
Jessica.Relyea@kpmlaw.com


Helen E. Jhun, VSB# 73070
Counsel for J.C. Penney Company, Inc.
KALBAUGH, PFUND & MESSERSMITH, P.C.
555 East Main Street, Suite 1200
Norfolk, VA 23510
(757) 623-4500
(757) 623-5700
Helen.Jhun@kpmlaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing Notice of Removal was mailed, first class, postage prepaid, this 26th day of November, 2014, to:

Lowell A. Stanley, Esq.
THE LOWELL STANLEY FIRM
P.O. Box 12639
Norfolk, Virginia 23541
Counsel for Plaintiff

Craig D. Sarner, Esq.
BONNER KIERNAN TREBACH & CROCIATA, LLP
1233 20th Street NW, 8th Floor
Washington, D.C. 20036
(202) 712-7000
(202) 712-7100 (fax)
csarner@bonnerkiernan.com


Brian A. Cafritz, VSB# 734366
Jessica G. Relyea, VSB# 76775
Counsel for J.C. Penney Company, Inc.
KALBAUGH, PFUND & MESSERSMITH, P.C.
901 Moorefield Park Drive, Suite 200
Richmond, VA 23236
(804) 320-6300
(804) 320-6312 (fax)
Brian.Cafritz@kpmlaw.com
Jessica.Relyea@kpmlaw.com

Helen E. Jhun, VSB# 73070
Counsel for J.C. Penney Company, Inc.
KALBAUGH, PFUND & MESSERSMITH, P.C.
555 East Main Street, Suite 1200
Norfolk, VA 23510
(757) 623-4500
(757) 623-5700
Helen.Jhun@kpmlaw.com